IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 25712 OF 2001

Between:

K. Pedda Mallaiah, S/o Balaiah,

..... PETITIONER

AND

1. The Joint Collector, Medakt at Sangareddy.

2. The Revenue Divisional Officer, Siddipet,

Medak District.

3. The Mandal Revenue Officer, Toopran Mandal,

Medak District.

4. B. Narsa Reddy, S/o late Chandra Reddy,

R/o Chetlagouraram village, Toopran Mandal,

Medak District.

5. M/s. Sitaram Ispat Private Limited, Cheltagowraram

village, Toopran Mandal, Medak District, represented

by its Director, Pramood Kumar Agrawal.

(R-5 is impleaded as per Court order dated 4.4.2005 in

W.P.M.P.No.9126 of 2005)

.....RESPONDENTS

The Court made the following:

ORDER:

Assailing the order of the first respondent-Joint Collector, Medak at Sangareddy passed in case NoF3/145/ROR/95, dated 25.09.2001, the writ petition has been filed by K. Pedda Mallaiah.

The facts of the case giving rise for filing this writ petition are:-

The writ petitioner purchased the land admeasuring Ac.2.24 guntas in Survey No.170/A situated at Chetlagouraram village, Toopran Mandal, Medak District under an unregistered sale deed on 5.7.1974 from one Chandrareddy, who is father of the 4th respondent. He filed an application before the Mandal Revenue Officer, Toopran Mandal, Medak District for regularization of the sale and issuance of pattadar pass book and title deeds under the provisions of Section 5 of the A.P. Rights in Lands and Pattadary Passbooks Act, 1971 (for short 'the Act'). The Mandal Revenue Officer, after due enquiry, issued certificate under Section 13-B of the Act. The 4th respondent filed an appeal before the Revenue Divisional Officer, Siddipet, Medak District, assailing the order of the Mandal Revenue Officer, Toopran Mandal, whereunder 13-B certificate came to be issued under ROR Act, 1971. The Revenue Divisional Officer, on consideration of the material on record and on hearing the parties, did not find any merit in the appeal, and accordingly, dismissed the same by judgment dated 04.05.1995. Assailing the order of Revenue Divisional Officer, the 4th respondent filed a revision petition before the Joint Collector, Medak at Sangareddy. The first respondent-Joint Collector, Medak at Sangareddy considered the fact of filing of the suit O.S.No.52 of 1994 by the 4th respondent and passing of decree therein and allowed the revision setting aside the order of the Mandal Revenue Officer as well as the Revenue Divisional Officer. Hence, the writ petition.

The 5th respondent came on record as per the orders dated 4.4.2005 in

W.P.M.P.No.9126 of 2005. The 5th respondent claims to have purchased the land from Uppala Gopal Reddy, who has purchased the same from the writ petitioners.

The 4th respondent filed counter affidavit.

When the matter came up for hearing, there is no representation on behalf of the 4th respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents 1 to 3 and the learned counsel for the 5th respondent.

The learned counsel for the petitioner submits that the petitioner filed an appeal before the Senior Civil Judge, Siddipet assailing the decree and judgment passed in O.S.No.52 of 1994 and the same came to be allowed on 22.03.2002, and thereby the suit filed by the 4th respondent ended in dismissal. He further submits that the sole ground on which the revisional authority allowed the revision is that the 4th respondent obtained decree on 29.03.2001 in his favour in O.S.No.52 of 1994.

As on this day, the appeal filed by the writ petitioner being A.S.No.15 of 2001 is allowed and the suit filed by the 4th respondent ended in dismissal.

In that view of the matter, the ground on which the revision came to be allowed cannot be sustained.

Accordingly, the writ petition is allowed and the order of the Joint Collector, Medak at Sangareddy passed in case No.F3/145/ROR/95, dated 25.09.2001 is hereby set aside. No order as to costs.

(B. SESHASAYANA REDDY, J)

Date: 18.10.2005

Ksn

This Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki , the Acting Chief Justice on this the 18th day of October Two thousand and five.

REGISTRAR